

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re Sitagliptin Phosphate ('708 & '921)
Patent Litigation

C.A. No. 19-md-2902-RGA

MERCK SHARP & DOHME LLC,

Plaintiff,

v.

C.A. No. 21-315-RGA

ZYDUS WORLDWIDE DMCC, ZYDUS
PHARMACEUTICALS (USA) INC. and
ZYDUS LIFESCIENCES LIMITED,

Defendants.

STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(2)

Merck Sharp & Dohme LLC (hereinafter “Merck”), and Zydus Worldwide DMCC, Zydus Pharmaceuticals (USA) Inc. and Zydus Lifesciences Limited, formerly known as Cadila Healthcare Ltd., (hereinafter collectively “Zydus”), the parties in the above-captioned action, have agreed to terms and conditions representing a negotiated settlement of the action and have set forth those terms and conditions in the Settlement Agreement (the “Settlement Agreement”). Now the parties, by their respective undersigned attorneys, hereby stipulate to the following:

1. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed without prejudice and without costs, disbursements or attorneys’ fees to any party.

We hereby consent to the form and entry of this Order:

Dated: 12/9/2022

/s/ Richard G. Andrews

UNITED STATES DISTRICT JUDGE

Dated: December 9, 2022

MCCARTER & ENGLISH, LLP

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